

**REPORT - PLANNING COMMISSION MEETING**  
**February 24, 2005**

**Project Name and Number:** Nextel Communications c/o Tetra Tech (PLN2004-00302)

**Applicant:** Judy Rowland

**Proposal:** To consider a Zoning Administrator Permit to allow a wireless telecommunication facility consisting of 12 panel antennas and two global positioning satellite receiving antennas mounted on an existing PG&E lattice tower and the construction of a small equipment shelter.

**Recommended Action:** Approve, based on findings and subject to conditions.

**Location:** 211 Meadows Court; Mission Planning Area

**Assessor Parcel Number:** 513-738-57-1

**Area:** Site area approximately 4.57 acres

**Owner:** Vivek and Shalni Prasad

**Agent of Applicant:** N/A

**Consultant(s):** N/A

**Environmental Review:** This project is categorically exempt from CEQA review per Section 15303, New Construction or Conversion of Small Structures.

**Existing General Plan:** Private Open Space

**Existing Zoning:** Planned District in Historic Overlay (P-89-13(H))

**Existing Land Use:** Vacant land with PG&E lattice towers

**Public Hearing Notice:** Public hearing notification is applicable. A total of 84 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on February 11, 2005. A Public Hearing Notice was delivered to The Argus on February 7, 2005, to be published by February 10, 2005.

**Executive Summary:** Based on the Wireless Telecommunication Ordinance, this application is subject to a Zoning Administrator Permit. However, because of neighborhood concerns regarding radio frequency (RF) emissions / electromagnetic fields, staff referred this project to the Planning Commission for review. The project consists of 12 new panel antennas and two GPS antennas mounted on an existing PG&E lattice tower. The applicant proposes to increase the height of the tower by 12', resulting in a 111' overall height, as well as construct a small equipment building. Federal law limits a city's ability to deny projects or regulate telecommunications uses based on RF emissions as long as the personal wireless service facility meets the FCC's RF emissions guidelines,

**Project Description:** The applicant proposes to increase the height of an existing 99 foot tall Pacific Gas and Electric (PG&E) lattice tower by 12', to 111', to accommodate twelve new panel antennas measuring 1' x 4'. Eight of the antennas will be installed at the top of the tower and four of them will be located 44' above the grade. Two small 6" diameter global positioning satellite (GPS) receiving antennas are proposed to be installed 20' from the grade. All the antennas will be painted a blue-gray color to match the color of the existing tower.

An 11'-6" x 20' equipment shelter, 12' in height, is proposed to be installed 18' from the northerly property line. The new equipment shelter will have a stucco finish and a tile roof and will be screened with a 6' high stucco wall. Both the building and enclosure will be painted beige with tan trim and have a reddish brown tile roof to match the homes in the neighborhood. The equipment shelter will be accessed by a 12'-wide access and utility easement off of Meadows Court. The applicant states that in order to attain adequate cell site coverage in the vicinity, they need to locate their wireless telecommunication facility on the subject property.

### **Project Analysis:**

Based on *Development Standards for Siting of Wireless Telecommunications Facilities* (the Wireless Telecommunication Ordinance) adopted by the City Council in December of 1996, the proposed project is subject to a Zoning Administrator Permit. However, because of the concerns of nearby residents regarding electromagnetic fields, the Zoning Administrator referred the project to the Planning Commission for consideration.

**General Plan and Zoning Conformance:** The property is designated Private Open Space. Private open space is privately held land permanently committed to open space uses. The property is zoned planned district with a Historic Overlay (P-89-13(H)). Although the subject parcel is part of a residential Planned District, it cannot be developed residentially.

Section 22161.1 of the Zoning Ordinance and the *Development Standards for Siting of Wireless Telecommunication Facilities*, states that wireless telecommunications system facilities may be allowed in all areas zoned or used for residential uses and located below the toe of the hill line on lots greater than one acre, subject to a Zoning Administrator Permit. The subject property meets these criteria, as it is designated as private open space, and is located below the toe of the hill line and it is over 4 acres in size. The subject property is also located within an historical overlay district; however, pursuant to section 8-21910.3(a)(4) of the Fremont Municipal Code, it is exempt from review by the Historical Architectural Review Board because the proposed cabinet shelter (11'-6" x 20' = total approx. 230 s.f.) is a minor accessory building less than 300 square feet which will not have a significant impact on the historical character of the overlay district due to its small size, design, and location.

Paragraph E-6 of the *Development Standards for Sitting of Wireless Telecommunication Facilities* states:

"The equipment cabinets and structures shall be placed in areas so they are least visible from public right-of-way, and have minimal visual impacts. Any visible portion of the equipment cabinet shall be treated to be architecturally compatible with the surrounding structures, and screened using appropriate techniques."

PG&E towers are located throughout the City and are primarily used to facilitate electrical transmission lines, but they can also accommodate telecommunication facilities because of their height and location through all types of zoning districts (residential, commercial and industrial). No other wireless carrier has yet located on this property. The proposed antennas would be minimally visually obtrusive in the context of the existing lattice tower. As stated above, the equipment shelter will be housed in a small building with a beige stucco finish and tile roof surrounded by a stucco wall enclosure. Several existing large trees are located near the proposed structure.

**Health Effects:** A resident and spokesperson for the adjacent neighborhood, generally known as Cameron Hills, submitted a letter to staff with information describing the potential adverse health effects of radio frequency / electromagnetic fields. Staff provided a copy of the letter to the applicant for a response. The applicant reviewed the information and responded with a letter and supporting documentation from a radio frequency consulting firm, Hammett & Edison, Inc. Staff strongly encouraged the applicant to hold a neighborhood meeting to discuss nearby resident's concerns and answer questions. On November 18, 2004, the applicant held a neighborhood meeting where several residents attended. A professional engineer representing the applicant was present at the meeting, and stated that based on the information and analysis, the wireless telecommunication facility will comply with the prevailing Federal standards for limiting public exposure to radio frequency energy and, therefore will not cause a significant impact on the environment. The engineer stated that the highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of limited duration.

The Limitations to Authority section of the Local Regulation of Telecommunication Facilities (see enclosure), states that while radio frequency emissions may be a concern for citizens, the Federal Telecommunications Act limits a city's ability to regulate regarding this issue. As long as the personal wireless service facility meets the FCC's radio frequency emissions guidelines, a city may not deny a proposal based upon radio frequency emissions (see enclosure). Staff has included a condition that requires the following: "The subject wireless telecommunication facility shall have its radio frequency levels independently tested and verified by a licensed professional radio frequency engineer within 30 days of installation."

**Environmental Analysis:** This project is categorically exempt from CEQA review per Section 15303; New Construction or Conversion of Small Structures.

**Response from Agencies and Organizations:** At the time of publication of this report, staff received a letter signed by several residents in the adjacent neighborhood regarding the potential negative health effects of the wireless telecommunication facility. The communications from both the neighbors and applicant are enclosed with this report for the Planning Commission's consideration.

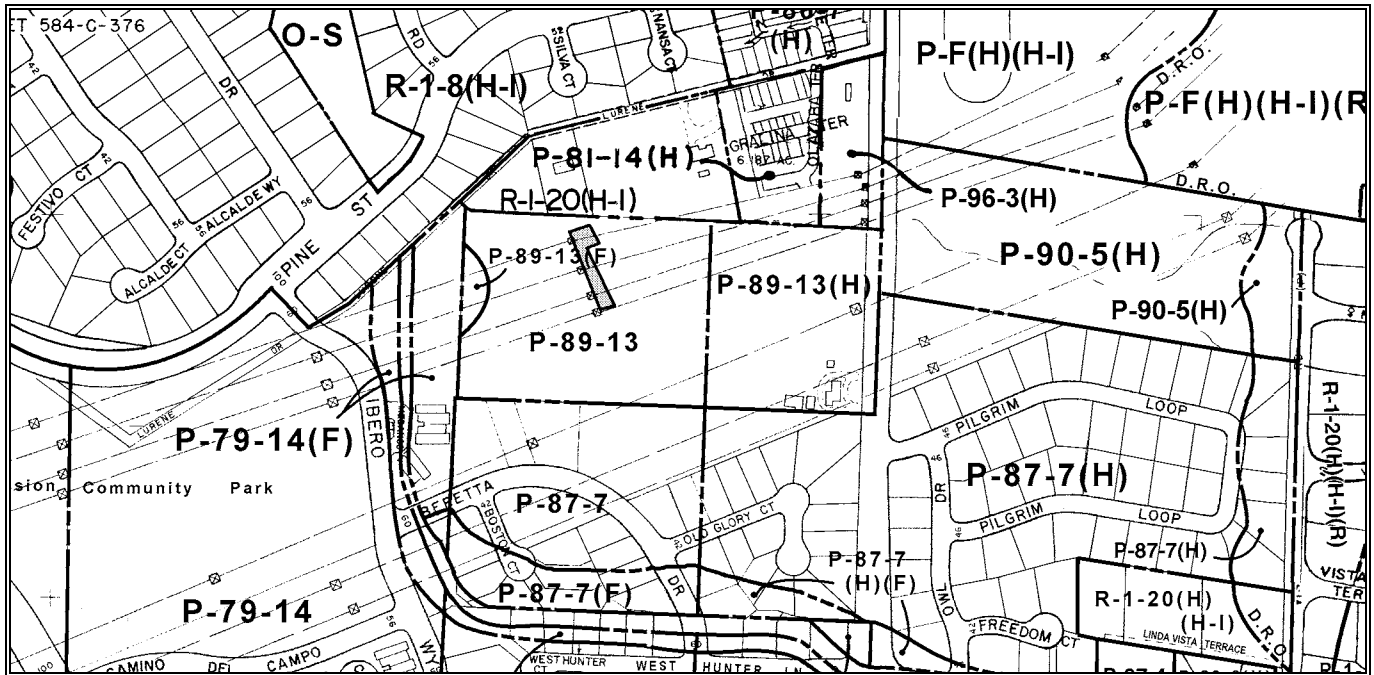
<b>Enclosures:</b>	Exhibit "A"	Site plan, elevations, details
	Exhibit "C"	Photo simulations
	Informational	Applicant's project description
		Site Analysis and Justification
		Letter from the neighbors
		Applicant's response to neighbor's concerns
		City of Fremont "Wireless Ordinance" (Ordinance No. 2213)
		Local Regulations of Telecommunication Facilities

<b>Exhibits:</b>	Exhibit "A"	Site plan, elevations, details
	Exhibit "B"	Findings and Conditions of approval

**Recommended Actions:**

1. Hold public hearing.
2. Find the project is exempt from CEQA review per Section 15303; New Construction or Conversion of Small Structures.
3. Find PLN2004-00302 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
4. Find PLN2004-00302, as per Exhibit "A" (site plan, elevations, details), Exhibit "B" (conditions of approval), Exhibit "C" (photo simulations), fulfills the applicable requirements set forth in the Fremont Municipal Code and the Wireless Ordinance (#2213).
5. Approve PLN2004-00302, as shown on Exhibit "A", subject to the findings and conditions on Exhibit "B".

**Existing Zoning**  
Shaded Area represents the Project Site



**Existing General Plan**



**Exhibit "B"**  
**Nextel Communications – PLN2004-00302**  
**211 Meadows Court**

**FINDINGS:**

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Planning Commission dated February 24, 2005, incorporated hereby:

1. The site is suitable and adequate for the proposed use because it is zoned to allow such a use pursuant to a conditional use permit and is large enough to accommodate the proposed use since the site is over 4 acres in size and City development standards require at least a minimum one-acre size.
2. The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because the project will only generate limited trips for weekly tuning by system operators, who will access the site over the proposed access road. The project will not generate other trips by the public to the site.
3. The proposed use would not have a substantial adverse economic effect on nearby uses because the proposed antenna use is conditionally permitted, and the equipment shelter serves as an accessory use to the antennas, and the use provides needed telecommunication services to the area.
4. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the project is designed in a manner to be compatible with the surrounding uses by utilizing color which blend with the existing tower, as well as an equipment structure using residential structure materials, and the use will not create a nuisances or degrade the environment. The wireless telecommunication facility meets the FCC's radio frequency emissions guidelines.
5. The design of the project is compatible with existing and proposed development in the district and its surroundings because the proposed location is an existing structure, and the antenna design and equipment cabinet will be compatible with the existing development. The antennas will be painted gray, to match the PG&E lattice tower on which they are located, and the equipment cabinets will be located within a stucco building, painted beige to match the homes in the neighborhood.

**CONDITIONS OF APPROVAL:**

1. The project shall conform to Exhibit "A" (site plan, elevations).
2. The radio frequency levels shall be independently tested and verified by a licensed professional radio frequency engineer within 30 days of installation. Applicant shall submit the radio frequency / electromagnetic field report to the Development Organization staff for documentation.
3. Plans shall be submitted to the Development Organization under a Limited review (DOL) to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code. The equipment shelter shall have a stucco finish with beige walls, tan trim, and a reddish brown tile roof. The stucco wall enclosure shall be painted beige with a tan trim cap.
4. The applicant shall provide a data sheet for battery capacity that shall include the amount of liquid in each battery and the total amount on the project site. If the total storage capacity of the battery(s) exceeds 50 gallons in an

unsprinklered building, the applicant shall provide a ventilation monitoring system. In the event of a failure of the ventilation system, an alarm notification to an attended central station, or automatic disengagement of the charging system shall occur. Other mitigation measures required by the California Fire Code Articles 64 and 80 shall apply.

5. The location of the equipment enclosure and antennas shall be installed as shown on Exhibit "A". Minor modifications to the location and design of the proposed antenna and other elements of the above exhibit may be allowed, subject to the review and approval of the Planning Director, if such modifications are in keeping with the architectural design theme.
6. Graffiti abatement measures shall be adopted by the telecommunication carrier in order to preserve the long-term aesthetics of the WTS facility within the lease area. Graffiti resistant materials and/or paint shall be employed in the construction of the WTS facility. The carrier shall be responsible for the expeditious removal of graffiti on all surface areas within the lease area.